

AMENDED IN ASSEMBLY MAY 22, 2000

AMENDED IN ASSEMBLY APRIL 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2909

**Introduced by Committee on Transportation (Torlakson
(Chair), Correa, Davis, Dutra, Firebaugh, House, Leach,
Longville, Margett, Nakano, Scott, and Strom-Martin)**

March 15, 2000

An act to amend and repeal Section 10753 of the Revenue and Taxation Code, to amend Section 339 of the Streets and Highways Code, to amend Section 21752 of, and to add Section 12512 to, the Vehicle Code, ~~and to amend Section 1 of Chapter 607 of the Statutes of 1999,~~ relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2909, as amended, Committee on Transportation. Transportation.

(1) Under existing law, if a commercial vehicle, as defined, is modified or additions are made, as specified, at a cost of \$2,000 or more, the owner of that vehicle is required to report that modification or addition to the Department of Motor Vehicles. Operative on January 1, 2001, the amount of the modification or addition that requires the reporting will be reduced from \$2,000 to \$200.

This bill would delete the January 1, 2001, operative date and would instead continue indefinitely the \$2,000 threshold amount.

(2) Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment. Those relinquishments become effective upon the 1st day of the next calendar or fiscal year, whichever first occurs after the effective date of the legislative enactment.

This bill would authorize the commission to relinquish to the City of Covina a specified portion of State Highway Route 39, upon terms and conditions the commission finds to be in the best interests of the state. The relinquishment would become effective immediately following the commission's approval of the terms and conditions of the relinquishment. The portion of State Highway Route 39 relinquished as specified would cease to be a state highway on the effective date of the relinquishment.

~~Existing~~

(3) *Existing* law provides for the issuance by the Department of Motor Vehicles of junior permits and provisional driver's licenses for persons under the age of 18 years.

This bill would expressly prohibit, except for the permits and licenses described above, the issuance of a license to drive to a person under the age of 18 years.

(4) Existing law prohibits a vehicle from being driven to the left side of the roadway under certain conditions, including when approaching within 100 feet of, or when traversing, a railroad crossing. Existing law provides a specified penalty for driving a vehicle in violation of those provisions relating to railroad grade crossings.

This bill would make a change to conform these prohibitory provisions with the provisions imposing the specified penalty.

~~(5) Existing law declares the Legislature's intent, commencing July 1, 1991, to allocate \$10,000,000 annually for 10 years to the Environmental Enhancement and Mitigation Demonstration Program Fund to be used for making grants to local, state, and federal agencies and nonprofit entities that undertake projects to mitigate the adverse environmental effects of existing and future transportation facilities. However, existing law requires the Department of~~

~~Transportation to extend the completion date to June 30, 2002, for specified Environmental Enhancement and Mitigation Projects.~~

~~This bill would include a specific project of the East Bay Regional Park District within the listing of projects that the completion date has been extended to June 30, 2002.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10753 of the Revenue and
2 Taxation Code, as amended by Section 14 of Chapter 724
3 of the Statutes of 1999, is amended to read:

4 10753. (a) Upon the first sale of a new vehicle to a
5 consumer and upon each sale of a used vehicle to a
6 consumer, the department shall determine the market
7 value of the vehicle on the basis of the cost price to the
8 purchaser as evidenced by a certificate of cost, but not
9 including California sales or use tax or any local sales,
10 transactions, use, or other local tax. "Cost price" includes
11 the value of any modifications made by the seller.

12 (b) Notwithstanding subdivision (a), the department
13 shall not redetermine the market value of used vehicles,
14 or modify the vehicle license fee classification of used
15 vehicles determined pursuant to Section 10753.1 or
16 10753.2, when the seller is the parent, grandparent, child,
17 grandchild, or spouse of the purchaser, and the seller is
18 not engaged in the business of selling vehicles subject to
19 registration under the Vehicle Code, or when a lessor, as
20 defined in Section 372 of the Vehicle Code, transfers title
21 and registration of a vehicle to the lessee at the expiration
22 or termination of a lease.

23 (c) (1) In the event any commercial vehicle is
24 modified or additions are made to the chassis or body at
25 a cost of two thousand dollars (\$2,000) or more, but not
26 including any change of engine of the same type or any
27 cost of repairs to a commercial vehicle, the owner of the
28 commercial vehicle shall report any modification or
29 addition to the department and the department shall

1 classify or reclassify the commercial vehicle in its proper
2 class as provided in Section 10753.1 or 10753.2, taking into
3 consideration the increase in the market value of the
4 commercial vehicle due to those modifications or
5 additions, and any reclassification resulting in increase in
6 market value shall be based on the cost to the consumer
7 of those modifications or additions. In the event any
8 vehicle is modified or altered resulting in a decrease in
9 the market value thereof of two hundred dollars (\$200)
10 or more as reported to and determined by the
11 department, the department shall classify or reclassify
12 the vehicle in its proper class as provided in Section
13 10753.1 or 10753.2.

14 (2) Paragraph (1) does not apply under any of the
15 following conditions:

16 (A) When the cost of any modification or addition to
17 the chassis or body of a commercial vehicle is less than two
18 thousand dollars (\$2,000).

19 (B) When the cost is for modifications or additions
20 necessary to incorporate a system approved by the State
21 Air Resources Board as meeting the emission standards
22 set forth in subdivisions (a) and (b) of former Section
23 39102 and former Section 39102.5 of the Health and Safety
24 Code as they read on December 31, 1975.

25 (C) When the cost is for modifications that are
26 necessary to enable a disabled person to use or operate
27 the vehicle.

28 (3) For purposes of this subdivision, “commercial
29 vehicle” means a “commercial vehicle,” as defined in
30 Section 260 of the Vehicle Code, that is regulated by the
31 Department of the *California* Highway Patrol pursuant to
32 Sections 2813 and 34500 of the Vehicle Code.

33 (d) This section also applies to a system as specified in
34 subdivision (c) that is approved by the State Air
35 Resources Board as meeting the emission standards
36 specified in subdivisions (a) and (b) of former Section
37 39102 and former Section 39102.5 of the Health and Safety
38 Code as they read on December 31, 1975, for vehicles
39 6,001 pounds or less, manufacturer’s gross vehicle weight,
40 controlled to meet exhaust emission standards when sold

1 new, when that system is used in any vehicle over 6,001
2 pounds or any vehicle 6,001 pounds or less not controlled
3 to meet exhaust emission standards.

4 (e) The temporary attachment of any camper, as
5 defined in Section 243 of the Vehicle Code, to a vehicle
6 is not a modification or addition for the purposes of
7 subdivision (c).

8 (f) The attachment to a vehicle of radiotelephone
9 equipment furnished by a telephone corporation, as
10 defined in Section 234 of the Public Utilities Code, is not
11 a modification or addition for the purpose of subdivision
12 (c), when that equipment is not owned by the owner of
13 the vehicle.

14 SEC. 2. Section 10753 of the Revenue and Taxation
15 Code, as amended by Section 15 of Chapter 724 of the
16 Statutes of 1999, is repealed.

17 SEC. 3. Section 339 of the Streets and Highways Code
18 is amended to read:

19 339. Route 39 is from:

20 (a) Route 1 near Huntington Beach to Route 72 in La
21 Habra via Beach Boulevard.

22 (b) Beach Boulevard to Harbor Boulevard in La
23 Habra via Whittier Boulevard.

24 (c) Whittier Boulevard in La Habra to Route 2 via
25 Harbor Boulevard to the vicinity of Fullerton Road, then
26 to Azusa Avenue, Azusa Avenue to San Gabriel Canyon
27 Road, San Gabriel Avenue southbound between Azusa
28 Avenue and San Gabriel Canyon Road, and San Gabriel
29 Canyon Road.

30 The department shall not assume maintenance of any
31 portion of Route 39 until that portion has been
32 constructed or reconstructed to the minimum state
33 highway standards established pursuant to Sections 81
34 and 2109.

35 (d) Notwithstanding subdivision (c), the portion of
36 Route 39 that is within the city limits of the City of Azusa,
37 except that portion that is north of post mile 17, shall cease
38 to be a state highway when the department and the City
39 of Azusa reach agreement on the terms of the
40 relinquishment of that portion of Route 39 to that city.

1 The terms of the relinquishment agreement shall require
2 that any lump-sum payment from the department to the
3 City of Azusa be deposited by that city in a special account
4 and used solely for improvements on Azusa Avenue and
5 San Gabriel Avenue in the City of Azusa.

6 (e) (1) Notwithstanding subdivision (c), the
7 commission may relinquish to the City of Covina the
8 portion of Route 39 that is located within the city limits
9 of that city, upon terms and conditions the commission
10 finds to be in the best interests of the state.

11 (2) A relinquishment under this subdivision shall
12 become effective immediately following the
13 commission's approval of the terms and conditions of the
14 relinquishment.

15 (3) On and after the effective date of the
16 relinquishment, both of the following shall occur:

17 (A) The portion of Route 39 relinquished under this
18 subdivision shall cease to be a state highway.

19 (B) The portion of Route 39 relinquished under this
20 subdivision may not be considered for future adoption
21 under Section 81.

22 SEC. 4. Section 12512 is added to the Vehicle Code, to
23 read:

24 12512. Except as provided in Sections 12513, 12514,
25 and 12814.6, no license to drive shall be issued to a person
26 under the age of 18 years.

27 SEC. 5. Section 21752 of the Vehicle Code is amended
28 to read:

29 21752. No vehicle shall be driven to the left side of the
30 roadway under the following conditions:

31 (a) When approaching or upon the crest of a grade or
32 a curve in the highway where the driver's view is
33 obstructed within such distance as to create a hazard in
34 the event another vehicle might approach from the
35 opposite direction.

36 (b) When the view is obstructed upon approaching
37 within 100 feet of any bridge, viaduct, or tunnel.

38 (c) When approaching within 100 feet of or when
39 traversing any railroad grade crossing.

(d) When approaching within 100 feet of or when traversing any intersection.

This section shall not apply upon a one-way roadway.

~~SEC. 6. Section 1 of Chapter 607 of the Statutes of 1999 is amended to read:~~

~~SECTION 1. The Department of Transportation shall extend the completion date to June 30, 2002, for the Environmental Enhancement and Mitigation (EEM) Projects for all of the following entities:~~

~~(a) Fallbrook Land Conservancy (Project No. 96-135; Agreement No. 11-96-54).~~

~~(b) City of Diamond Bar (Project No. 96-39; Agreement No. 07-96-37).~~

~~(c) Redwood Action Agency (Agreement No. 1-96-22).~~

~~(d) Cambria Community Services District (Project No. 96-28).~~

~~(e) County of San Luis Obispo, General Services Department/Parks Department (Project No. 96-92).~~

~~(f) Midpeninsula Regional Open Space District (Project No. 94-99; Agreement Nos. 04-94-15 and 04-95-09).~~

~~(g) East Bay Regional Park District (Project No. 98-25; Agreement No. 04-98-08).~~